

ARTICLE ____ AMEND ZONING BYLAW – Accessory Apartments
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw as set forth herein:

A. In Section 3.8 - Accessory Use Regulations, amend Subsection 3.8.1.6 - Accessory Apartments as follows:

1. Delete paragraphs l) and m) and replace them with the following new paragraphs l) and m):
 - l) The apartment may be located within a detached BUILDING that is located on the same LOT as the BUILDING with the Principal DWELLING UNIT.
 - m) If a detached BUILDING on a LOT has been continuously in existence since before 2016 and its foot print and floor area, including the area of interior garage or parking spaces, is not expanded or enlarged thereafter, an apartment in such a detached BUILDING may have a GROSS FLOOR AREA of up to 2000 square feet, not including attic or basement areas, and up to three bedrooms.
 2. Insert new paragraphs n), o), p), and q) as follows:
 - n) An apartment in a detached BUILDING constructed after October 5, 2016 may have a GROSS FLOOR AREA of up to 500 square feet.
 - o) A LOT containing a BUILDING with a Principal Unit and an Apartment within a detached BUILDING shall not be further divided resulting in the separation of the Principal Unit and the Apartment, unless both resulting LOTS and the BUILDINGS thereon meet all minimum area, FRONTAGE, width and yard requirements of the applicable zoning district.
 - p) The apartment in a detached BUILDING shall be installed on a permanent foundation.
 - q) The apartment in a detached BUILDING shall only be located in the side and rear yard.
- And renumber existing paragraph n) to become paragraph r)

[Note – Subsection 3.8.1.6 paragraphs l) and m) currently read:

l) The apartment may be located within a detached BUILDING that is located on the same LOT as the BUILDING with the Principal DWELLING UNIT, if the detached BUILDING has been continuously in existence since before 2010 and has not been expanded or enlarged thereafter. An apartment in such a detached BUILDING may have a GROSS FLOOR AREA of up to 2000 square feet, not including attic or basement areas, and up to three bedrooms. A LOT containing a BUILDING with a Principal Unit and an Apartment within a detached BUILDING shall not be further divided resulting in the separation of the Principal Unit and the Apartment, unless both resulting LOTS and the BUILDINGS thereon meet all minimum area, FRONTAGE, width and yard requirements of the applicable zoning district.

m) However, in the R-2, R-4, R-8, R8/4, R-10, and R-10/8 Districts an apartment in such a detached BUILDING shall only be allowed with a Special Permit from the Board of Appeals.]

B. In Section 3.3 - Residential Uses (beginning of section), paragraph b), insert after “19D;” the following phrase:

“Accessory apartment in a detached BUILDING as provided under Section 3.8.1.6; “;

And in paragraph c) delete the phrase “a single FAMILY dwelling with one Apartment in a detached BUILDING under Section 3.3.2.10 of this Bylaw;”.

[Note – Section 3.3. currently reads 3.3 Residential USES – Not more than one BUILDING for dwelling purposes shall be located upon a LOT, except:

- a) in the following Districts: Village Districts (EAV, NAV, SAV, WAV); Residence A District (R-A); Residence AA District (R-AA);*
- b) for the following USES: Nursing Home; Full Service Retirement Community; Assisted Living Residence as defined in this Bylaw or in MGL Ch. 19D; and*
- c) where a special permit has been granted for the following: a Planned Conservation Residential Community (PCRC) under Section 9 of this Bylaw; an Independent SENIOR Residence under Section 9B of this Bylaw; an AFFORDABLE Housing Development under Section 4.4 of this Bylaw; a single FAMILY dwelling with one Apartment in a detached BUILDING under Section 3.3.2.10 of this Bylaw; a golf course under Section 3.5.17 of this bylaw.]*

, or take any other action relative thereto.

SUMMARY

This article would amend the Zoning Bylaw to allow Accessory Apartments as a by-right use in pre-existing and newly constructed detached buildings in all single-family residential zoning districts and on all lots with single-family use, subject to the existing standards for Accessory Apartments. As demonstrated by Acton 2020 Objective 7.4 and Action Items 5.1.1.1 and 7.4.1 and the Housing Production Plan Strategy 5.3, there is a need for a diverse range of affordable housing options and a desire to support the financial ability of all residents to stay in Acton for a lifetime. This amendment addresses that need by removing barriers to increasing the range of housing options available to residents.

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Selectman assigned:

Recommendations: Board of Selectmen Finance Committee Planning Board